

REGULAR MEETING
November 10, 2003

The Regular Meeting of the Annapolis City Council was held on November 10, 2003 in the Council Chamber. Mayor Moyer called the meeting to order at 7:30 p.m.

Present on Roll Call: Mayor Moyer, Aldermen Hammond, Tolliver, Fox, Cohen, Alderwomen Hoyle, Carter

Alderman Kelley arrived at 7:39 p.m.
Alderman Cordle was absent.

Staff Present: City Attorney Spencer, Chief Historic Preservation Hole

C Alderman Hammond moved to approve the Journal of Proceedings for October 13, 2003 and October 27, 2003. Seconded. CARRIED on voice vote.

PETITIONS, REPORTS AND COMMUNICATIONS

Spoke in favor of R-26-03

Maria Sasso, 3 Taylor Avenue, Annapolis, Maryland 21401

Spoke against R-26-03

Curt Hess, 39 Windwhisper Lane, Annapolis, Maryland 21403
Tony Evans, 3 Constitution Square, Annapolis, Maryland 21401
Tracy Hess, 39 Windwhisper Lane, Annapolis, Maryland 21403

Spoke in favor of R-21-03

Alexandra Straud, Community Pres. and Dev. Corp., 5513 Connecticut Avenue, Washington, D.C. 20015

LEGISLATIVE ACTION

ORDINANCES

O-2-02 For the purpose of adding planned developments to Annapolis City Code Section 21.52.030, C2 Conservation Business District, Special exceptions; designating permanent common open space for a planned development to be determined by the Planning Commission; and matters generally relating to said special exception.

Mayor Moyer moved to withdraw O-2-02. Seconded. CARRIED on voice vote.

O-24-02 For the purpose of creating an Eastport Gateway Conservation Overlay District to ensure the preservation of the Eastport view of the downtown historic waterfront and to support and promote development and redevelopment in a character that is attractive and welcoming to the Eastport community and to promote pedestrian access to the neighborhood; and matters generally relating to said district.

Alderman Cohen moved to withdraw O-24-02. Seconded. CARRIED on voice vote.

O-17-03 For the purpose of restricting the sale of any toy or perceived firearms within City limits; and all matters generally relating to said restriction.

Alderwoman Carter moved to table O-17-03. Seconded. CARRIED on voice vote.

O-20-03 For the purpose of amending the Code of the City of Annapolis to limit the period of time during which an ordinance may remain under

consideration without action by the City Council.

C Alderman Hammond moved to adopt O-20-03 on second reading. Seconded.

C The Rules and City Government Committee reported favorably with an amendment on O-20 -03.

C Alderman Fox moved the Rules and City Government Committee amendment to O-20 -03 as follows:

On page 1, in line 36 after "~~taken with regard thereto.~~" insert the following:

No actionable response from a standing committee to which an ordinance or charter resolution was referred within 120 days of the vote taken on the first reading automatically rescinds that committee's right to debate, consider and/or take further action on that ordinance or charter resolution." Seconded.

C Alderman Tolliver moved to amend the Rules and City Government Committee amendment as follows:

On page 1, in line 36 after "~~taken with regard thereto.~~" insert the following:

No actionable response from a standing committee to which an ordinance or charter resolution was referred within ~~120~~ 161 days of the vote taken on the first reading automatically rescinds that committee's right to debate, consider and/or take further action on that ordinance or charter resolution."

Seconded. A ROLL CALL vote was taken:

YEAS: Aldermen Hammond, Tolliver, Kelley, Cohen

NAYS: Mayor Moyer, Alderman Fox, Alderwomen Hoyle, Carter

DEFEATED: 4-4

C Alderman Fox moved to withdraw the Rules and City Government amendment. Seconded. CARRIED on voice vote.

C Without objection, on page 1, line 39 the following technical change was added:

pursuant to ~~Chapter Title~~ 21.86

C Alderman Cohen moved the following amendment:

On page 1, line 37

unless by an affirmative vote of ~~2/3 of~~ the members.

Seconded. CARRIED on voice vote.

The main motion as amended CARRIED on voice vote.

Alderman Hammond moved to adopt O-20-03 amended on third reading. Seconded. CARRIED on voice vote.

O-34-03 For the purpose of amending the Code of the City of Annapolis to specify that owners of abandoned newsracks may be fined, and that after a certain period of time abandoned newsracks may be confiscated

by the City: and matters generally relating to said newsracks and City property.

Alderwoman Hoyle moved to adopt O-34-03 on first reading. Seconded. CARRIED on voice vote.

Referred to the Rules and City Government Committee and the Planning Commission

RESOLUTIONS

R-21-03 For the purpose of authorizing the negotiation of a payment in lieu of property taxes assessed against the affordable housing units to be constructed by Bates School Limited Partnership; and all matters relating to said payment.

Alderman Hammond moved to adopt R-21-03 on second reading. Seconded. CARRIED on voice vote.

R-25-03 For the purpose of requesting that the Maryland General Assembly repeal section 12-302(c)(3)(v) of the Courts and Judicial Proceedings Article of the Annotated Code of Maryland that mandates that a defendant in a crime of violence must be released on personal recognizance bail while the State appeals the decision of trial court and all matters relating to said unwarranted release of murder suspects.

Alderman Hammond moved to adopt R-25-03 on second reading. Seconded.

Alderman Hammond moved to amend R-25-03 as follows:

Amendment 1 *[deletes unnecessary language]*

On page 1, in line 17, delete “unwarranted”

Amendment 2 *[corrects to traditional formatting]*

On page 1, in line 22, after “**WHEREAS**” delete “Two” and insert “**two**”
On page 1, in line 28, after “**WHEREAS**” delete “The” and insert “**the**”

Amendment 3 *[corrects typographical error]*

On page 1, in line 41, after “the decision of” insert “**the**”

Seconded. A ROLL CALL vote was taken:

YEAS: Mayor Moyer, Aldermen Hammond, Tolliver, Kelley, Fox, Cohen
RECUSED: Alderwoman Hoyle
NAYS: Alderwoman Carter
CARRIED: 6-1

The main motion amended CARRIED on voice vote.

R-26-03 For the purpose of demonstrating the City Council’s support of Deborah Williams, the newly appointed principal of Annapolis School, in her endeavors to achieve academic excellence for all students; and all matters relating to said declaration of support.

Alderwoman Hoyle moved to adopt R-26 -03 on first reading. Seconded.
CARRIED on voice vote.

R-27-03 For the purpose of designating the signatory for a grant agreement and easement modification with the Maryland Historical Trust for Phase III of the restoration of the Maynard-Burgess House; and all matters relating to said restoration grant for Maynard-Burgess House.

Alderman Hammond moved to adopt R-27-03 on first reading. Seconded.
CARRIED on voice vote.

Historic Preservation Chief Hole gave a brief presentation and answered questions from Council.

Alderman Tolliver moved to suspend the rules to allow passage of the resolution at the meeting of its introduction. Seconded. CARRIED on voice vote.

Alderman Tolliver moved to adopt R-27-03 on second reading. Seconded.
CARRIED on voice vote.

R-28-03 For the purpose of requesting that the Maryland General Assembly amend section 11-205 of the Courts and Judicial Proceedings Article of the Annotated Code of Maryland to make it mandatory that the State must protect the identification of witnesses prior to trial or adjudicatory hearing; and all matters relating to said witness identification.

Alderman Hammond moved to adopt R-28-03 on first reading. Seconded.
CARRIED on voice vote.

BUSINESS AND MISCELLANEOUS

1. Ratification of Collective Bargaining Agreement for the International Association of Firefighters, Local 1926

Alderman Fox moved to ratify the Collective Bargaining Agreement for the International Association of Firefighters, Local 1926. Seconded.

Dallas Lister, President International Association of Firefighters, Local 1926 was present and answered questions from Council.

Following discussion, Alderman Tolliver moved to postpone ratification of the Collective Bargaining Agreement for the International Association of Firefighters, Local 1926. Seconded. CARRIED on voice vote.

2. Finance Committee Meeting Recommendations dated October 15, 2003

Alderman Cohen moved to accept the Finance Committee Recommendations dated October 15, 2003. Seconded. CARRIED on voice vote.

3. Payment of Monthly Bills

Alderman Hammond moved to pay the monthly bills. Seconded. CARRIED on voice vote.

4. Appointments

Alderman Hammond moved to approve the Mayor's (re)appointments of the following individuals:

10/30/03 Environmental Commission Suzanne M. Pogell
10/30/03 Environmental Commission Nancy Wallace
10/30/03 Board of Appeals Clarence Goldberg
10/30/03 Board of Appeals Honora W. Sutor
10/30/03 Board of Appeals Christopher L. Beard
10/30/03 Recreation Advisory Board James E. LeDane

Seconded. CARRIED on voice vote.

Upon motion duly made, seconded and adopted, the meeting was adjourned at 9:23 p.m.

Deborah Heinbuch, CMC/AAE
City Clerk